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67th Legislature LC 3074

1	BILL NO
2	INTRODUCED BY(Primary Sponsor)
3	(Primary Sponsor)
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO DYED SPECIAL FUEL;
5	CLARIFYING THAT THE USE OF UNTAXED DYED SPECIAL FUEL ON PUBLIC ROADS AND HIGHWAYS
6	IS SUBJECT TO EXISTING CIVIL PENALTIES; AND AMENDING SECTION 15-70-441, MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	
10	Section 1. Section 15-70-441, MCA, is amended to read:
11	"15-70-441. Dyed special fuel restrictions penalties. (1) (a) A person may not use untaxed dyed
12	special fuel in violation of 15-70-403(8) or (9) or to operate a motor vehicle on the public roads and highways of
13	this state unless:
14	(i) the motor vehicle has a gross vehicle weight of greater than 12,000 pounds, exclusive of any
15	towed units, is equipped with a feed delivery box that is permanently affixed to the vehicle, and is used solely
16	for the feeding of livestock; or
17	(ii) the use is permitted pursuant to rules adopted under subsection (1)(c).
18	(b) (i) The purposeful or knowing use of untaxed dyed special fuel in a motor vehicle operating on the
19	public roads and highways of this state in violation of 15-70-403(8) or (9) or this subsection (1) is subject to the
20	civil penalty imposed under subsection (1)(b)(ii). Each use is a separate offense. The civil penalty may be in
21	addition to criminal penalties imposed under 15-70-443.
22	(ii) The department shall, after giving notice and holding a hearing, if requested, impose a civil penalty
23	not to exceed \$1,000 for the first offense and \$5,000 for the second offense for using dyed special fuel in
24	violation of the provisions of this section. A subsequent offense is subject to criminal penalties imposed under
25	15-70-443.
26	(c) The department shall adopt and enforce reasonable rules for the movement of off-highway
27	vehicles traveling from one location to another on the public roads and highways of this state when using dyed
28	special fuel or nontaxed fuel.



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1 (2) The operator of the vehicle is liable for the tax imposed in 15-70-403. If the operator refuses or

2 fails to pay the tax, in whole or in part, the seller of the dyed special fuel is jointly and severally liable for the tax

imposed under 15-70-403 and for the penalties described in this section if the seller knows or has reason to

4 know that the fuel will be used for a taxable purpose."

5 - END -



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